

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7894 OF 2004

Babasaheb Bhikoba Nikam and ors. .. Petitioners

Vs

Shri Deokumar Tyagraj Pillay and ors. Respondents

Shri R.A.Thorat, for the petitioners.

Shri Avinash B. Avhad, for the respondents.

CORAM : D.B.BHOSALE, J.

DATE : 29th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 16.8.2004 passed by the learned Adhoc Addl.District Judge, Pune, in Misc. Civil Appeal No.238/2004 by which the appeal filed by the respondents-plaintiffs has been allowed. By the impugned order, the petitioners-defendants are restrained from obstructing peaceful possession of the respondents over the suit property bearing Survey No.78 (C.T.S No.3189) situate at Sangam wadi, Yerwada, Pune till the decision of the suit. The learned Judge also directed the trial Court to dispose of the suit within six months. Mr Thorat, learned counsel for the petitioners, fairly states that the petitioners have no concern with survey no.78 and that

they are claiming right and possession over the land survey no.69/1. If that be so, I see no reason to interfere with the impugned order by which the petitioners are injuncted from obstructing peaceful possession of the petitioners over the suit land survey no.78. The writ petition, therefore, fails and is dismissed as such.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)